Parks and Facilities By-law
By-law No. 2004-276

A by-law of the City of Ottawa to regulate and to promote responsible enjoyment and use of parks and facilities.

THIS CONSOLIDATION IS PROVIDED FOR OFFICE USE AND REFERENCE PURPOSES ONLY. EVERY EFFORT IS MADE TO ENSURE THE ACCURACY OF THIS CONSOLIDATION. IT IS NOT TO BE USED IN PLACE OF PHOTOCOPIES OF ORIGINAL BY-LAWS, NOR CAN IT BE USED FOR COURT PURPOSES. FOR LEGAL REQUIREMENTS, PLEASE REFER TO THE OFFICIAL BY-LAWS OF THE CITY OF OTTAWA.

Updated February 2016

Prepared by By-law & Regulatory Services

Amendments:

2004-448

2004-490

2004-495

2006-6

2008-4

2009-173

2012-86

2012-220

2012-228

The Council of the City of Ottawa hereby enacts as follows:

1. DEFINITIONS

In this by-law:

“alcoholic beverage” means spirits, liquor, beer, wine or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage alone or in combination with any other substance;

“animal” means any member of the animal kingdom, other than a human, and includes birds;

“barbecue” means a portable or fixed device designed and intended solely for the cooking of food in the open air, but does not include outdoor fireplaces and campfires;

“boat” includes a canoe, rowboat, punt, sailboat, outboard and inboard motor boat, and personal water craft;

“By-law Officer” means a person appointed by the Council of the City of Ottawa as a Municipal Law Enforcement Officer to enforce the provisions of the by-law;

“camp” means to erect a structure, hut or tent for the purpose of providing shelter;

“Chief of Police” means the Chief of Police for the City of Ottawa or authorized assistants or persons acting under his or her authority;

“City” means the municipal corporation of the City of Ottawa or the geographic area of the City of Ottawa as the context requires;

“Director” means the Director of Parks and Recreation of the Community and Protective Services Department of the City of Ottawa or authorized designates, unless otherwise specified;

“facility” means any area, pool, building or structure in a park under the jurisdiction of the Community and Protective Services Department of the City of Ottawa;

“motorized vehicle” means an automobile, truck, motorcycle or any other vehicle propelled or driven by means other than muscular power but does not include a wheelchair or motorized vehicles operating pursuant to the approval of the Director;

“old municipality” means the old municipalities of the City of Cumberland, the City of Gloucester, the Township of Goulbourn, the City of Kanata, the City of Nepean, the City of Ottawa, the Township of Rideau, the Township of West Carleton, the Township of Osgoode, the Village of Rockcliffe Park and the City of Vanier, and “old municipalities” has a similar meaning;

“organized team sport” means a team sport which operates under the auspices of a league, club or association and has a registration process with designated player rosters;

“outdoor municipal property” means the outdoor area of all property owned or leased by the City including but not limited to a park, but does not include:

a) property leased to a third party;

b) property managed by a local board as defined in the *Municipal Act, 2001* save and except property managed by,

    i. Ottawa Police Services Board,

    ii. Ottawa Public Library Board, and

    iii. Ottawa Municipal Campground Authority, excluding spaces rented for temporary residency; (By-law No. 2012-220)

“park” means a playground, playing field, ball diamond, sports field, beach including but not limited to the area of the water under the control or supervision of the City, recreation centre, community building, facility, square, garden, water, pedestrian walkway or any other area owned, leased or used by the City and devoted to active or passive recreation and includes any lane or walkway or public parking area leading thereto; (By-law No. 2012-86)

“person” means any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law;

“service animal” means an animal trained by a recognized school for service as a guide dog for the blind or visually impaired, a guide dog for the deaf or hearing-impaired, or a special skills dog for other disabled persons and includes an animal used in therapy, registered with a recognized organization for that purpose;

“smoke” or “smoking” includes the carrying of a lighted cigar, cigarette, pipe, or any other lighted or heated smoking equipment used to smoke any tobacco or

non-tobacco substance; (added by By-law No. 2012-86 and amended by By-law No. 2012-228)

“sports field” means an area in a park set aside for use in sports, such as football, soccer, rugby and cricket, requiring an open field space;

“swimming pool” means any swimming or wading pool or spray pad under the jurisdiction of the Community and Protective Services Department of the City of Ottawa;

“waste” means paper, bottles, broken glass, cans, cigars, cigarettes, rags, garbage, rubbish, debris or refuse of any kind; (amended by By-law No. 2012-86)

“wheelchair” means a chair mounted on wheels, which is propelled by muscular power or any other type of power and is used for the carriage of a person who has a disability.

2. INTERPRETATION

1) In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
2) It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable, and all parts hereof are declared to be separate and independent and enacted as such.

3. HOURS OF OPERATION

No person shall:

1)
    a) remain or enter into any park between the hours of 11 o’clock in the afternoon (11:00 p.m.) and 5 o’clock in the forenoon (5:00 a.m.) except as a participant or spectator of a function approved by the Director;
    b) remain in the park upon completion of an activity as a participant or spectator of any function between the hours of 11 o’clock in the afternoon (11:00 p.m.) and 5 o’clock in the forenoon (5:00 a.m.); or
    c) enter any place where a sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted.
2) Despite subsection (1), where the hours of operation in a park are posted and differ from those in subsection (1), no person shall remain or enter into the park outside of the

posted hours provided that the posted hours are no later than 11 o'clock in the afternoon (11:00 p.m.) or earlier than 5 o'clock in the forenoon (5:00 a.m.).

3) Where the posted hours are later than 11 o'clock in the afternoon (11:00 p.m.) or earlier than 5 o'clock in the forenoon (5:00 a.m.), clauses (a) and (b) of subsection (1) shall apply.

4. ANIMALS

1) No person being the owner or having care and custody of an animal shall permit such animal to be in a park without the written approval of the Director.
2) Subsection (1) shall not apply to dogs in areas of a park designated in accordance with By-law No. 2003-77, being the Animal Care and Control By-law.
3) Subsection (1) shall not apply to a person with a service animal.
4) Despite subsection (1) and subject to other applicable municipal by-laws, the Director may permit animals to be brought into a park for specific events, if the applicant files with the Director a request for a specific event indicating the time, date, place and purpose together with any additional information requested by the Director.
5) No person shall engage in any horse race or ride a horse in a park in an area not designated for that purpose by the Director.
6) Despite subsection (4), any member of the Ottawa Police Mounted Patrol Unit or the Royal Canadian Mounted Police may bring a horse into a park.

5. SPORTS AND ACTIVITIES

1) No person shall participate in or play baseball, softball, basketball, volleyball, football, soccer, rugby, tennis, croquet, cricket, badminton, ultimate frisbee, disk golf, skateboarding or any other sport or activity in a park except in an area designated by the Director for such respective purpose and in accordance with subsection (2).
2) No person shall:
    a) use a ball diamond on any day between the 16th day of October and the 30th of April of any year;
    b) subject to subsection (c), use a sports field on any day between the 1st day of November and the 14th day of May of any year;
    c) Minto Field between the 15th day of November and the 31st day of March of any year.
3) Despite subsection (2), the Director of Surface Operations in the Public Works and Services Department may, at his or her discretion, amend the dates on which a ball

diamond and sports field may be used, on the basis of the ground conditions of the ball diamond or sports field.

4) Despite subsection (2), the Director of Surface Operations in the Public Works and Services Department may, at his or her discretion, restrict or permit access, at any time and to any one ball diamond or sports field, on the basis of the ground conditions of the ball diamond or sports field.

4.1) Subject to subsections (3) and (4), no person shall use or access a ball diamond or sports field to which access has been restricted by the Director of Surface Operations in the Public Works and Services Department. (By-law No. 2004-490)

5) No person shall engage in any horse race or ride a horse in a park in an area not designated for that purpose by the Director.

6) Despite clause (b) of subsection (2), no person shall access or use sports fields for winter sports during the winter months unless,

   a) the ground is snow covered;

   b) the site is not altered; and

   c) there is no damage to the field.

7) No person shall play golf, drive a golf ball or use golf clubs or other like equipment or drive a golf cart in a park except in an area designated by the Director for that purpose.

8) No person shall use a tennis court located in a park unless such person is wearing appropriate footwear.

9) No person shall possess any bows or arrows or discharge arrows in or into a park except in an area designated by the Director as an archery range.

10) No person shall operate a motor driven model airplane, helicopter, rocket or boat except in an area designated by the Director for that purpose.

11) No person shall use a barbecue in a park except in areas designated by the Director for that purpose.

6. CYCLING, SKATEBOARDING, ROLLERBLADING, MOTORIZED VEHICLES

1) The Director may designate a park or part thereof as a place in which the riding of bicycles is prohibited and shall provide signage to indicate the park or part thereof to which the designation applies.

2) No person shall ride a bicycle or participate in skateboarding or rollerblading in a park, or part thereof, designated by the Director as prohibiting cycling, skateboarding or rollerblading.

3) No person shall drive a motorized vehicle in a park, except in areas and during hours designated by the Director for that purpose. (By-law No. 2004-495)

4) No person shall drive, park or stop a motorized snow vehicle in a park except in areas and during the hours designated by the Director for that purpose.

7. PERMITS

1) No person shall, in a park and without a permit issued by the Director:

    a) sell, or offer, expose or advertise for sale any:

        i. food or drink;

        ii. newspaper, magazine or publication;

        iii. goods, wares or merchandise;

        iv. art, skill or service;

    b) practice, carry on, conduct or solicit for any trade, calling, business or occupation;

    c) distribute any flyers or circulars, or post any bills, notices or advertising devices, including signs, of any kind;

    d) convene, conduct or participate in any parade or procession;

    e) convene, conduct or hold a public meeting, or deliver a speech as a member of or to members of any group or to members of the general public;

    f) have in his/her possession any alcoholic beverage;

    g) ignite, discharge or set off any fireworks;

    h) light any open air fire in any park, except in places specifically provided by the City;

    i) camp in any park, or construct any tent or other structure;

    j) play any organized team sport;

    k) use a public address system or other device or equipment for amplifying sounds in a park; or

    l) allow a hot air balloon to land or take off from a park, except in emergency situations only.

2) No person without a permit shall refuse to vacate a park, or portion of a park, in the event that a holder of a permit for that park, or portion of the park, wishes to access the area in accordance with the terms and conditions of his or her permit.

3) No permit holder shall undertake to use a park or its facilities unless the permit holder,

    a) maintains, at his or her own expense, liability insurance coverage related to the holding of the event and subject to limits of not less than one million dollars ($1,000,000.00), inclusive per occurrence, for bodily injury, death and damage to property, and such insurance shall be in the name of the permit holder or the sponsoring organizer of the event and, where applicable, shall name the City of Ottawa as an additional insured;

    b) is eighteen (18) years of age or older;

    c) does not charge admission or sell refreshments except as authorized by the Director;

    d) follows the incident reporting procedures outlined in the permit in the event of an incident, including the contacting of on-site City staff and police, paramedic or fire services, as appropriate; and

    e) complies with any other conditions of the permit issued by the Director pursuant to subsection (6).

4) A permit issued by the Director is valid on the date or dates shown on the permit.

5) No holder of a permit issued by the Director shall access or use a park unless the permit holder:

    a) accesses or uses the area of the park designated by the Director for the permitted use;

    b) produces his or her permit upon being so directed by the Director or a By-law Officer;

    c) immediately vacates the park upon being so ordered by the Director or a By-law Officer; and

    d) complies with the conditions of the permit, including any additional conditions imposed by the Director pursuant to subsection (6).

6) The Director may attach such additional conditions to a permit as deemed necessary to ensure public safety, protect City property or maintain the enjoyment of the park for the public.

7) A permit for park use issued by the Director is not transferable.

8) The permit holder shall comply at all times with all other applicable municipal by-laws and provincial and federal laws.

8. ENCROACHMENT

No person, being the owner or tenant of land adjacent to a park, shall cause or permit,

a) planting of any hedge, tree, shrub or garden;

b) construction of any fence, storage shed, retaining wall or other structure of any kind;

c) keeping of any composting receptacle or pile; or

d) placing of any string, wire, chain, rope or similar material, on park property.

9. ASSET PROTECTION

1) No person shall, in a park, cut, climb, break, injure, deface, disturb or remove any property including:

    a) a tree, shrub, bush, flower, plant, grass, wood, soil, sand, rock or gravel;

    b) a building, cage, pen or monument.

2) No person shall, in a park, mark or write upon, damage or otherwise injure any property of the City including: (By-law No. 2008-4)

    a) any part of the interior or exterior of a building;

    b) any monument, fence, bench or other structure.

3) No person shall throw a stone or other object that may cause injury or damage to any person or to property.

4) No person shall, in a park:

    a) disturb, injure, wound, hunt, trap, attempt to kill or kill any animal;

    b) touch, interfere with, remove or injure any bird’s nest, the eggs or the young birds contained therein; or

    c) provide, cause to be provided, deposit or leave any food that may be used by wildlife in a park.

5) No person shall, in a park:

    a) leave or deposit any waste, except in a receptacle provided for that purpose;

    b) deposit or leave any paint, grease, oil, offal or any dangerous matter that has an odour or appearance found to be offensive by users of the park;

    c) scatter any paper, cardboard, or any other material; or

    d) undertake any maintenance activities or alter existing grounds or facilities unless authorized to do so by the Director of Surface Operations in the Public Works and Services Department.

6) No person shall discharge, dump or leave any construction material, earth, dirt, rock, snow, stone or any other materials in a park, or in any ravine, slope, or other land access way to a park, except with the written consent of the Director of Surface Operations in the Public Works and Services Department.

7) No person shall use a park or any part thereof for the purpose of:

    a) washing, cleaning, polishing, servicing, maintaining or, with the exception of any emergency, repairing any motorized vehicle; or

    b) instructing, teaching or coaching any person in the driving or operation of a motorized vehicle.

8) No person shall transport across, launch or beach a boat in any park except on a portion of land specified for such purposes.

10. SKATING

No person using a skating rink in a park shall:

a) race or speed so as to endanger or interfere with any other person using the rink;

b) carry a cane, stick or any other object that is, or is likely to be, dangerous to other persons on a rink, except such equipment as may be required for any sport or activity approved by the Director;

c) use the rink during the preparation period; or

d) fail to obey the instructions of a rink supervisor employed by the City of Ottawa or any other person appointed by the Director to oversee the operation and use of skating rinks.

11. SWIMMING

No person shall:

a) enter a swimming pool, except with the permission of the Director and subject to the conditions associated with such permission and only at the times designated for swimming;

b) fail to obey the instructions of a lifeguard or any other person appointed by the Director to oversee the facility;

c) swim, bathe, wade in or enter the waters of a fountain, pond, lake, river or stream in a park, except in an area or at a time designated by the Director for such purposes;

d) permit a child in his or her care, custody or charge to swim, bathe, wade in or enter into the waters of any ornamental pool or fountain;

e) throw any article in any pool, fountain, pond, lake or stream that is likely to endanger any person or wildlife, or to pollute the waters; or

f) bring into or possess in a bathing area or swimming area of a park any bottles, glassware, metal or other material which may cause injury.

12. GENERAL

1) No person shall engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behaviour in a park.

2) No person shall engage in any activity so as to interfere with or become a nuisance to the general public using the park.

12A.

No person shall smoke on outdoor municipal property. (By-law No. 2012-86)

13.

1) The Director may, at any time and at his or her discretion, temporarily or permanently close to the public a park, a portion of a park or a building in a park due to inclement weather or other circumstances deemed appropriate by the Director.

2) Where the Director has temporarily or permanently closed to the public a park, a portion of a park or a building in a park pursuant to subsection (1), no person shall remain in or enter the closed area.

14. INDEMNIFICATION

The applicant for a permit to access any park shall indemnify and save harmless the City of Ottawa from any and all claims, demands, causes of action, losses, costs or damages that the City of Ottawa may suffer, incur or be liable for resulting from the use of the park, whether with or without negligence on the part of the applicant or the applicant’s employees, directors, contractors and agents.

15. REVOCATION

Permits issued to a permit holder under this by-law may be revoked by the Director if, in the opinion of the Director, the permit holder fails to comply with the requirements of the permits or any other provisions of the by-law.

16. EXEMPTIONS

1) The provisions of this by-law shall not apply to the City of Ottawa or its agents, employees or contractors during the course of performing their duties in relation to park construction, maintenance or other necessary activities.
2) The provisions of this by-law shall not apply to the Ottawa Police Service or other bona fide emergency service providers.

17. ENFORCEMENT

The by-law shall be enforced by the Chief of Police or by the By-law Officers of the City.

18. OFFENCES AND PENALTIES

1) Every person who contravenes any of the provisions of this by-law is guilty of an offence.
2) Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chapter p.33.
3) Where a person has been convicted of an offence under this by-law,
    a) the Ontario Court of Justice, or
    b) any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed towards the continuation or repetition of the offence.

19.

Every person who acts in contravention of this by-law so as to cause the City to incur costs due to his or her actions shall, in addition to any penalty provided for herein, be liable to the City for all expenses incurred for the purpose of repairing or replacing damaged property or removing unauthorized materials, and such expenses may be recovered by court action or in a like manner as municipal taxes.

20. REPEALS

The following by-laws and portions of by-laws of the old municipalities are repealed:

a) By-law Number 32-98 of the old Corporation of the City of Cumberland entitled “Being a by-law to regulate the use, protection and government of Parks”, as amended;

b) By-law No. 83 of 1993 of the old Corporation of the City of Gloucester entitled “Being a by-law to regulate public parks and facilities in the City of Gloucester”, as amended;

c) By-law No. 35-91 of the old Corporation of the Township of Goulbourn entitled “Being a by-law to regulate public parks and facilities in the Township of Goulbourn”, as amended;

d) By-law No. 44-81 of the old Corporation of the City of Kanata entitled “Being a by-law to regulate public parks and facilities in the City of Kanata”, as amended;

e) By-law No. 85-91 of the old Corporation of the City of Nepean entitled “Being a by-law of The Corporation of the City of Nepean to regulate parks and facilities in the City of Nepean”, as amended;

f) By-law No. 58-1996 of the old Corporation of the Township of Osgoode entitled “Being a by-law regulating the management and operation of municipal parks”, as amended;

g) Clauses (a) and (e) of Section 1, Sections 3 to 7 inclusive, Sections 11 to 20 inclusive and Section 22 of By-law Number 225-74 of the old Corporation of the City of Ottawa entitled “A by-law of The Corporation of the City of Ottawa respecting Recreation and Parks”, as amended;

h) By-law No. 89-14 of the old Corporation of the Village of Rockcliffe Park entitled “A by-law of the Corporation of the Village of Rockcliffe Park to provide for the maintenance operation and management of McKay Lake, the Pond and the lands of the Corporation adjacent thereto”, as amended;

i) By-law No. 85-33 of the old Corporation of the Village of Rockcliffe Park entitled “A by-law to prohibit bicycles on Blocks 63 and 64 Plan 4M-334 (the Corridor of Public Passage - C.O.P.P.)”;

j) By-law Number 2337 of the old Corporation of the City of Vanier entitled “Being a by-law to maintain, regulate, operate and manage certain city parks”, as amended.

21. TRANSITION

Permits issued in 2004 pursuant to the provisions of a parks and facilities by-law of an old municipality shall be valid until the effective date of this by-law.

22. CONFLICT WITH OTHER BY-LAWS

In the event of any conflict between the provisions of this by-law and any other by-law regarding the regulation of parks and facilities, including the by-laws referred to in Section 20, the provisions of this by-law shall prevail, but nothing in this by-law shall invalidate the enforceability of other provisions of those by-laws.

23. SHORT TITLE

This by-law may be referred to as the “Parks and Facilities By-law”.

24. EFFECTIVE DATE

This by-law shall come into force on August 1, 2004.

ENACTED AND PASSED this 23rd day of June, 2004

CITY CLERK | MAYOR

BY-LAW NO. 2004-276

A by-law of the City of Ottawa to regulate and to promote responsible enjoyment and use of parks and facilities.

Enacted by City Council at its meeting of June 23, 2004.

LEGAL SERVICES
AMP: ec

COUNCIL AUTHORITY:
City Council – June 23, 2004
EPSC Report 6, Item 2